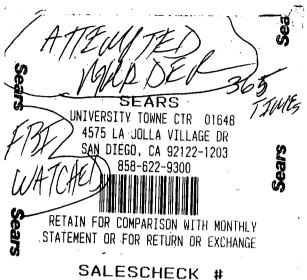


Case 3:10-cv-00522-BEN-JMA Document 1 Filed 03/11/10 Case 3:10-cv-00271-W -WVG Document 7 Filed 02/25/10 Page 2 of 2 The determination of whether a plaintiff is indigent, and thus unable to pay the filing 1 2 fee falls within the district court's discretion. California Men's Colony v. Rowland, 939 3 F.2d 854, 858 (9th Cir. 1991), reversed on other grounds, 506 U.S. 194 (1993) ("Section 1915 typically requires the reviewing court to exercise its sound discretion in determining 4 5 whether the affiant has satisfied the statute's requirement of indigency."). It is well-settled that a party need not be completely destitute to proceed IFP. Adkins v. E.I. DuPont de 6 7 Nemours & Co., 335 U.S. 331, 339-40 (1948). To satisfy the requirements of 28 U.S.C. § 1915(a), "an affidavit [of poverty] is sufficient which states that one cannot because of his 8 9 poverty pay or give security for costs . . . and still be able to provide himself and 10 dependents with the necessities of life." <u>Id.</u> at 339. At the same time, however, "the same even-handed care must be employed to assure that federal funds are not squandered to 11 underwrite, at public expense, . . . the remonstrances of a suitor who is financially able, in 12 whole or in material part, to pull his own oar." Temple v. Ellerthorpe, 586 F.Supp. 848, 13 14 850 (D.R.I. 1984). 15 Here, Plaintiff has submitted an uncompleted and unsigned IFP motion. 16 Accordingly, Plaintiff has not satisfied his burden of demonstrating that he is entitled to 17 IFP status. II. CONCLUSION & ORDER. 18 19 For the foregoing reason, the Court **DENIES** Plaintiff's IFP motion (Doc. 4), and **DENIES AS MOOT** the motion to appoint counsel (Doc. 2). To have this case 20 21 reinstated, Plaintiff must (1) pay the \$350 filing fee, or (2) file a fully-completed motion to 22 proceed IFP. IT IS SO ORDERED 23 24 DATED: February 25, 2010 Ion. Thomas J. Whelan 27 United States District Judge 28 10cv0271w FACE-FLANDULEN-FALST



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CUSTOMER:

BRUCE D. CALHOUN

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Amount Needed to Earn Reward 10.00

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Quarterly Bucks Rewards, beginning
April 1st! See store for details.



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Case 3:10	EVADOS22-BEN-YMACIVILLE	^ <i>FAC 37 FAC</i> 3VER SHEET 193/11	, - Da'u wed 110 PageID.11 j	
The IS 44 civil cover sheet and the	information contained herein neither replace nor stapproved by the Judicial Conference of the United RUCTIONS ON THE REVERSE OF THE FORM.)	upplement the filing and service of places in September 1974, is required.	pleadings or other papers as required for the use of the Clerk of Co	red by law, except as provided and for the purpose of initiating
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